

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LEANNE J. HENSLEY,

Plaintiff,

v.

No. 3:20-cv-00859-JR

OREGON DEPARTMENT OF JUSTICE

AMENDED OPINION AND ORDER

Defendant.

MOSMAN, J.,

On September 21, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 22]. Judge Russo recommended that I dismiss Plaintiff's Amended Complaint [ECF 21] without prejudice. Upon review, I agree with Judge Russo and DISMISS Plaintiff's Amended Complaint [ECF 21] without prejudice.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

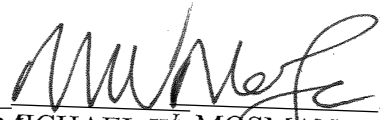
the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's findings and recommendation, and I ADOPT the F. & R. [ECF 22] as my own opinion. Plaintiff's Amended Complaint [ECF 21] is DISMISSED without prejudice. Ms. Hensley has until March 1, 2021, to file an amended complaint. Failure to file an amended complaint as ordered will result in the dismissal of this action with prejudice.

IT IS SO ORDERED.

DATED this 4th day of February, 2021.


MICHAEL W. MOSMAN
United States District Judge